

NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.

**CITY PLANNING COMMISSION
REGULAR MEETING
January 5, 2006**

APPROVED

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, at 4:50 PM.

Roll Call: Present at the meeting were Commissioners Cason, Glaser, Glenn, Jeffrey, Simons, Smith, and Wendler. Absent were Commissioners Christensen (excused) and Williams (excused).

Agenda: The Agenda was approved as submitted.

Minutes: **ACTION:** Commissioner Glaser moved to approve the minutes of the Regular Meeting of October 20, 2005.
Commissioner Jeffrey seconded the motion.
Motion carried.

ACTION: Commissioner Cason moved to approve the minutes of the Regular Meeting of November 3, 2005.
Commissioner Glenn seconded the motion.
Motion carried.

ACTION: Commissioner Glaser moved to approve the minutes of the Regular Meeting of November 17, 2005.
Commissioner Smith seconded the motion.
Motion carried.

PUBLIC HEARING--
Request of Marvin Benton to rezone property at sw corner of Dickerson and Charlevoix from R1 to R2:

A public hearing was held on the request of Marvin Benton to rezone property generally located at the southwest corner of Dickerson and Charlevoix Avenues from an R1 (Single-Family Residential District) to an R2 (Two-Family Residential District) zoning classification to reflect the current use of the property.

CPC staff member Christopher Gulock reviewed the background information and presented the proposal.

Mr. Benton is requesting to rezone 2665, 2671, and 2679 Dickerson Ave. from R1 to R2. The property is presently developed with a two-family structure. The property measures approximately 122 feet in width along Dickerson Avenue with a depth of 122 feet. The property was originally developed prior to 1950 with two 2-story single-family houses.

At the southeast corner of Dickerson and Charlevoix Avenues is a former Catholic church built in 1955. It appears at some time the Catholic Archdiocese of Detroit purchased the two

homes for church purposes and constructed a building addition connecting the two houses. A large multi-car garage is built at the rear of the properties.

The petitioner had indicated that approximately 15 years ago a family member purchased the subject property from the Archdiocese and that he recently assumed the mortgage. The petitioner currently lives in one unit and will use the other unit as rental property. Mr. Benton had stated that he has explored demolishing the connection between the two buildings, but found it to be cost prohibitive. The entire property needs immediate repairs and part of the rehab requires refinancing the mortgage. Mr. Benton claimed that the mortgage companies will not refinance the mortgage until the zoning status is changed to reflect the property's use as a two-family dwelling.

Mr. Gulock reviewed the zoning classification and land uses surrounding the subject area—R1 to the north, developed with vacant lots and houses; R6 (High Density Residential District) to the east, developed with a community center; R1 to the south, developed with vacant land and houses; and R2 to the west, developed with vacant lots and houses.

Mr. Gulock noted that the R2 zoning district is designed to protect and enhance those areas developed or likely to develop with single or two family dwellings. The R1 and R2 zoning districts allow exactly the same by-right uses, except two-family homes are not permitted in R1. The R1 and R2 zoning districts allow exactly the same conditional uses, except R2 permits multiple-family dwellings and town houses with a maximum of 8 units.

The subject site is located within the Jefferson-Mack Subsector of the East Sector of the Detroit Master Plan of Policies. The "existing land use" map shows General Commercial/Vacant for the subject area. The "recommended future general land use" map shows Low Density Residential for the subject area. The Planning and Development Department (P&DD) submitted a memo dated October 21, 2005 to City Council stating that the Master Plan would not have to be amended to accommodate the proposed rezoning.

Mr. Gulock noted that in November 2004, a study called the Detroit Far East Side Master Plan was submitted to the City of Detroit. The P&DD is in the process of implementing the redevelopment of the Far East Side. One objective of the Plan is to redevelop Charlevoix and Dickerson with medium density residential development. The proposed revised Master Plan of Policies recommends Medium Density Residential along the subject section of Dickerson Avenue. Therefore, both of these plans are in accordance with the proposed rezoning request.

CPC staff showed photos of the subject and surrounding areas.

The CPC office received one telephone call from an area resident who asked questions about the rezoning request. CPC staff explained the proposal to the caller. The caller indicated that he would not attend the public hearing.

Notices of the Commission's public hearing were sent to property owners and taxpayers of record located within 300 feet of the subject property. A total of 30 parcels surround the subject site, and a total of 60 notices were sent to the taxpayers of record and occupants.

Mr. Benton noted that he had purchased the property from his mother approximately 6 years ago. His family has owned the property for 15 years. Until recently, his niece lived in the other unit. Mr. Benton noted that he has been trying to refinance his mortgage for the past five years in order to pay for immediately needed repairs. Mortgage companies will not approve the refinancing until the zoning status is changed to reflect the property's use as a two-family dwelling. He cited his desire to make all the necessary repairs at once and then rent out the unit.

There was no one present to speak in favor of or in opposition to the proposed rezoning.

Commissioner Smith noted her familiarity with the area. The area is vacant because of a large redevelopment plan being implemented by the City. There aren't many residents in that area. Commissioner Smith expressed support for the rezoning and the petitioner's intent to rehab the house.

Mr. Bruce Evans of the P&DD inquired as to whether the proposed rezoning represents spot zoning. Mr. Gulock responded negatively noting CPC staff's research on that issue. Generally, if the proposed zoning classification complies with the Master Plan, the rezoning does not constitute spot zoning. Land to the west of the subject property is zoned R2. Except for properties on Dickerson and Algonquin Streets, the streets are zoned R2.

Although development details for the Far East project have not yet been decided, Commissioner Smith inquired as to whether it would make sense to rezone the entire area to R2 to prevent developers from having to come back and obtain the appropriate zoning.

Deputy Director Marcus Loper responded negatively. He noted that the new Zoning Ordinance dictates that the petitioner of a rezoning request has to own or have an interest in the property.

Mr. Gulock noted concern regarding the use and placement of barbed wire on the petitioner's property. CPC staff recommended that the petitioner be asked to remove the razor wire.

Based on the proposed zoning classification's compliance with the Master Plan and comments in its December 21, 2005 report to the Commission, CPC staff recommended approval of the rezoning to R2.

**ACTION: Commissioner Jeffrey moved to accept the CPC staff recommendation.
Commissioner Glaser seconded the motion.
Motion carried.**

OLD
BUS.--
2006-07
CPC
Goals and
Objectives
and
Work
Program:

Further consideration was given to approval of the 2006-07 proposed CPC Goals and Objectives and Work Program as revised by the Commission on November 17, 2005.

**ACTION: Commissioner Cason moved to adopt the 2006-07 proposed CPC Goals and Objective and Work Program.
Commissioner Wendler seconded the motion.
Motion carried.**

Deputy
Director's
Report:

Commissioners Cason, Glenn, Jeffrey, and Simons agreed to meet in committee to prioritize the Work Program. Commissioner Simons stated that he would inform CPC staff of the date of the meeting.

Marcus Loper stated that City Council had approved the plans for a Captain D's restaurant at 7 Mile Rd. and Meyers in November 2005.

Commissioner Jeffrey noted City Council's strong support of efforts to recover the costs of demolition from property owners. He noted the likelihood of attorneys in the Law Department being laid off because of the budget crisis, and constraints on the CDBG funds. Commissioner Jeffrey suggested sending a letter and/or resolution to City Council requesting that it look at the possibility of hiring someone to collect and recapture the demolition costs from the property owners. If the Law Department does not have the staff to perform that important function, the Department should hire someone on a percentage basis to recover these costs. Recovering the costs would result in a "recycling" of CDBG funding for other projects.

Commissioner Glenn felt that the City should consider hiring someone from the City to collect the monies rather than using outside sources. People are getting laid off. Residents of Detroit should be given a chance to hold onto their jobs.

Christopher Gulock noted that a member of the Law Department has been researching the issue for several months. He suggested that the Law Department be requested to send a response to the CPC office. Commissioner Simons felt that the Law Department should send a copy of its report within 30 days of the CPC staff request. Regardless of whether the Commission receives the report within 30 days, the CPC should be ready to forward a resolution to City Council upon expiration of the 30-day time frame.

Commissioner Jeffrey noted that a public hearing would be held Wednesday, January 11, 2006, before the Michigan Civil Rights Commission at the State Building to hear testimony from people who believe they were defrauded into signing petitions to eliminate affirmative action style programs. A national organization is pushing the government to investigate tactics used by a group working to place a proposal on the November 2006 ballot that would make affirmative action-style programs unconstitutional in the state. Over 100,000 signatures were obtained in Detroit and Saginaw. However, the signatures were obtained fraudulently since the proponents told the signatories one thing when it was really something else. Commissioner Jeffrey noted that the national organization has telephoned many of the signatories, and just about everyone said "they didn't know what they were signing."

Commissioner Glaser pointed out that the signatories could also sign affidavits stating that they did not realize what they were signing.

Commissioner Glenn asked CPC staff to determine whether City Council is holding a public hearing or a discussion on January 26, 2006 on the senior citizen home repair program.

In response to Commissioner Glenn, Mr. Loper noted CPC staff would invite Medina Noor, Director of the Department of Administrative Hearings, to either the January 19 or February 2, 2005 meeting of the Commission to provide an update on that Department.

NEW
BUS.--
Appoint-
ment to
the CRC:

consideration was given to the nomination of four candidates to fill vacancies on the Citizen Review Committee (CRC) for three-year terms to expire on June 30, 2008.

CPC staff member Deborah Ferris noted that four vacancies are due to the expiration of the terms of Brenda Goss Andrews, Juanita Hernandez, Lerrlyn Nelson and Diantha Tillman.

Due to time constraints and since each of these incumbent members wish to be reappointed, CPC staff recommended that the CPC consider reappointing these four members of the Citizen Review Committee.

The City has received 330 Community Development Block Grant/Neighborhood Opportunity Fund applications for the 2006-2007 program year. Initial organizing, reviewing and data entry is now in process. CPC staff expected the Citizen Review Committee to begin reviewing proposals on January 9, 2006.

ACTION: Commissioner Cason moved to accept the CPC staff recommendation. Commissioner Glaser seconded the motion. Motion carried.

Master
Plan
public
meetings:

Commissioner Simons expressed disappointment in the number of residents who attended the Master Plan public meetings late last year.

Commissioner Simons also expressed concern that descriptions of the subsectors in the draft Master Plan are based on old information and therefore inaccurate. For example, a description indicated that homes in the Mackenzie sector are valued at \$50-70,000. The information undervalues properties in that sector. Commissioner Simons cited \$300,000 homes in that area. The Master Plan needs to "paint the picture correctly."

Mr. Loper noted that the Draft Master Plan is based on 2000 census data, which is already dated. He did not know whether there was any recent data that could be used in its place.

Commissioner Jeffrey suggested using comparables from the real estate industry.

Adjournment: The meeting was adjourned at 5:25 PM.